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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,380	01/09/2002	Takenori Idehara	325772027600	4165
25227	7590	08/11/2005	EXAMINER	
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102			SINGH, SATWANT K	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/040,380	IDEHARA, TAKENORI	
	Examiner Satwant K. Singh	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 25 March 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) 6, 10, 14, 18 and 20-22 is/are withdrawn from consideration.

5) Claim(s) 5, 7-9, 11-13, 15-17 and 19 is/are allowed.

6) Claim(s) 1 is/are rejected.

7) Claim(s) 2-4 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date April 2005.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

1. This office action is in response to the amendment filed on 25 March 2005.

### ***Response to Arguments***

2. Applicant's arguments pertaining to Claim 1, filed 25 March 2005 have been fully considered but they are not persuasive. Applicant argues that identifying how far a portable terminal is from the image forming device fails to teach or suggest determining the portable terminal closest to the image forming device. The Examiner feels that by determining the various distances of the portable terminal from the image forming device as disclosed by Jinbo et al. (US 2002/0054330) on page 5, paragraph [0082] (distance data), the image forming system can determine the shortest distance from the image forming system, and therefore the closest portable terminal.

### ***Claim Objections***

3. Claim 5 is objected to because of the following informalities: Page 2, line 8, the claim currently states, "communicating multiple portable terminals". It appears to the examiner that it should state, "communicating with multiple portable terminals". Appropriate correction is required.
4. Claim 7 is objected to because of the following informalities: Claim 7 is dependent on claim 6, which has been canceled. Appropriate correction is required.

5. Claim 11 is objected to because of the following informalities: Claim 11 is dependent on claim 10, which has been canceled. Appropriate correction is required.
6. Claim 15 is objected to because of the following informalities: Claim 15 is dependent on claim 14, which has been canceled. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Jinbo et al. (US 2002/0054330).

9. Regarding Claim 1, Jinbo et al disclose an image forming system comprising portable terminals (portable terminal 210) and an image forming device (image forming apparatus 100), wherein said portable terminals are each equipped with a wireless communication unit capable of wirelessly communicating with said image forming device (antenna 214) (page 4, paragraph [0065]); and said image forming device comprises: a wireless communication unit capable of wirelessly communicating with said portable terminals (communication portion 200) (page 4, paragraph [0062]); an identifying unit for identifying a portable terminal located closest to the image forming

device out of portable terminals under wirelessly communicable conditions (Fig. 8, S404) (page 5, paragraph [0079] and (Fig. 11, S603) (page 6, paragraph [0099])); and a power saving control unit for performing power saving control for said image forming device in correspondence with the distance between the identified portable terminal and said image forming device (temperature of the fixing device 118 is controlled based on the mode switching control processing) (Fig. 9, S58 and Fig. 11, page 5, paragraph [0091], page 6, paragraph [0099]).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

10. Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

#### ***Allowable Subject Matter***

11. Claims 5, 9, 13, and 17 are allowed. The following is a statement of reasons for the indication of allowable subject matter: Claims 5, 9, 13, and 17 of the current application teach similar subject matter as the prior art of Jinbo (US 2002/0054330).

However, claims 5, 9, 13 and 17 are allowed for the reasons pointed out by Applicant's remarks (page 8, 1<sup>st</sup> paragraph).

12. Claims 7, 8, 11, 12, 15, 16, and 19 are allowable for being dependent of an allowable base claim.

13. Claims 2-4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satwant K. Singh whose telephone number is (571) 272-7468. The examiner can normally be reached on Monday thru Friday 8am - 4:30pm.

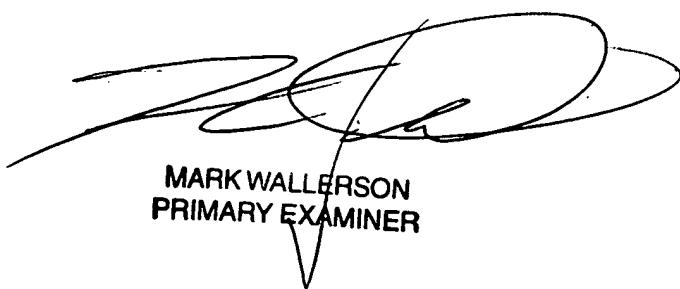
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Satwant Singh*

sk

Satwant K. Singh  
Examiner  
Art Unit 2626



MARK WALLERSON  
PRIMARY EXAMINER